

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON

IN RE: :
 : Case No. 11-32650
CIONE, KENNETH L. : Chapter 7
CIONE, LAURIE A. : Judge Lawrence S. Walter
 :
Debtors.

**NOTICE OF TRUSTEE'S PROPOSED SALE/DISPOSITION OF TANGIBLE
PERSONAL PROPERTY TO DEBTORS AND OPPORTUNITY TO OBJECT**

As set forth below, the Trustee proposes to sell and or dispose to the Debtor certain tangible personal property.

Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.)

If you do not want the Court to grant the Trustee's proposed action, or if you want the Court to consider your views on the Trustee's proposed action, then on or before Twenty One (21) days from the Date of Issuance set forth below, you or your attorney must file a written response in accordance with the Court's local rules and filing procedures.

The Clerk of Court's address is: U.S. Bankruptcy Court Clerks Office, 120 W. Third Street, Dayton, OH 45402.

Copies of the Court's Administrative Procedures for electronic court filings can be found at the following website: <http://www.ohsb.uscourts.gov>

You must file the response early enough so the Court will **receive** it on or before the date stated above.

You must also either electronically serve John Paul Rieser through the court's ECF System or mail a copy to John Paul Rieser at the following address: John Paul Rieser
7925 Graceland Street
Dayton, OH 45459-3834

If you or your attorney do not take these steps, the Trustee will take the proposed action without further notice and report the details thereof on the Final Report in this case.

10/25/2011

Date of Issuance

/s/ John Paul Rieser

John Paul Rieser, Esq.

NOTICE OF PROPOSED SALE /DISPOSITION

Now comes John Paul Rieser, the duly appointed and acting Chapter 7 Trustee in the above captioned case and hereby gives notice pursuant to 11 U.S.C. §§ 363, 554, and 725 that a disposition of tangible personal property will be made to the Debtors in exchange for non-exempt equity, as determined by the Trustee and agreed to by the Debtors.

The property at issue is a 2005 Ford Mustang GT (“Vehicle”) scheduled by the Debtors at a value of \$14,400.00. The Trustee determined the value of the Vehicle to be slightly higher, in the approximate amount of \$14,987.50, based on the average of the NADA clean trade in value (\$13,500.00) and the NADA clean retail value (\$16,475.00). From this value, the Trustee deducted Debtors’ exemptions pursuant to O.R.C. § 2329.66 (A)(2) and (18) in the amount of \$4,600.00 and the lien payoff in the amount of \$5,262.00. The Trustee agreed to accept a payment of \$4,500.00 from the Debtors. This agreed-upon payment is slightly less than the vehicle’s value by approximately \$625.50¹. The Trustee believes that disposing of the Vehicle by permitting the Debtors to “buy out” the non-exempt equity herein will produce a net certain recovery to creditors equal to or greater than that which would be obtained from selling the Vehicle at auction or by alternative disposition methods, which have greater transaction costs, take longer, and have no certainty as to result.

WHEREFORE, the Trustee now notices creditors and all parties of interest that unless an objection to this Notice is timely filed and served, the Trustee will finalize this proposed disposition as permitted by the Bankruptcy Code, Rules and Local Bankruptcy Rules.

¹ This price adjustment is an estimate based on the Trustee’s experience in selling vehicles at auctions in the current market environment. NADA and Kelley Blue Book values for any given vehicle can differ considerably, and the vehicle’s condition is also a factor in its value. The price adjustment includes approximate administrative costs which the Trustee would incur if he sold the vehicle at auction, including without limitation the auction company’s fees which can range from approximately \$100.00 to \$250.00.

Respectfully yours,

/s/ John Paul Rieser

John Paul Rieser, Trustee

Rieser & Associates LLC

7925 Graceland Street

Dayton, OH 45459-3834

Phone: (937) 224-4128, Fax: (937) 224-3090

E-mail: tecfdesk@rieserlaw.com

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing **NOTICE OF TRUSTEE'S PROPOSED SALE/DISPOSITION OF TANGIBLE PERSONAL PROPERTY TO DEBTORS AND OPPORTUNITY TO OBJECT** was served this 25th day of October, 2011, on the parties in interest listed on the attached matrix. All parties listed on the attached matrix were served by regular U.S. mail, postage prepaid, with the following exceptions:

- (1) The Trustee is not serving the United States Bankruptcy Court by regular mail because the United States Bankruptcy Court will receive electronic notice of this filing.
- (2) A creditor who is listed by name only, with no mailing address, is not being served with this document. The Trustee is not serving a copy to creditors who have no mailing address listed on the matrix because it is obvious that the Post Office cannot and will not deliver mail without an address, and it would be a waste of estate resources to attempt such delivery. The Trustee will provide a copy of this document or pleading to such creditors upon request from the creditors not receiving service.
- (3) The following parties are not being served by regular mail because they will receive notice of this filing by the court's electronic ECF system:

Asst US Trustee (Day) USTPRegion09.CB.ECF@usdoj.gov

Jeremy Shane Flannery Jeremy.S.Flannery@usdoj.gov

Stephen M Meiser shm@legalhelpers.com, courtnotice@legalhelpers.com

Steven Henry Patterson sohbk@lsrlaw.com

John A Schuh jaschuhohcecf@nuvox.net

/s/ John Paul Rieser

John Paul Rieser [lrs/798]

Label Matrix for local noticing
0648-3
Case 3:11-bk-32650
Southern District of Ohio
Dayton
Fri Oct 21 16:03:25 EDT 2011

United States Bankruptcy Court
120 West Third Street
Dayton, OH 45402-1872

Aes/nct
P.O.Box 2461
Harrisburg, PA 17105-2461

Asst US Trustee (Day)
Office of the US Trustee
170 North High Street
Suite 200
Columbus, OH 43215-2417

Chase
Po Box 15298
Wilmington, DE 19850-5298

Chase Bank USA, N.A.
PO Box 15145
Wilmington, DE 19850-5145

Credit Solutions, LLC
P. O. Box 24710
Lexington, KY 40524-4710

First Federal Credit Control
P.O. Box 20790
Columbus, OH 43220-0790

First Financial Bank
fka First Nat'l Bak of SW Ohio
300 High Street
Hamilton, OH 45011-6078

Ford Motor Credit Corporation
Ford Credit
Po Box 6275
Dearborn, MI 48121-6275

Ford Motor Credit Company, LLC
PO Box 6275
Dearborn, MI 48121-6275

ACB American, Inc.
P.O. Box 2548
Cincinnati, OH 45201-2500

Allianceone Inc
5861 Cheviot Road
Cincinnati, OH 45247-6202

Capital One Bank USA NA
American InfoSource LP
PO Box 248839
Oklahoma City OK 731248839

Chase - Cc
Attention: Bankruptcy Department
Po Box 15298
Wilmington, DE 19850-5298

Chase Manhattan
Attn: Bankruptcy Research Dept
3415 Vision Dr
Columbus, OH 43219-6009

Exxmbllciti
Attn.: Centralized Bankruptcy
Po Box 20507
Kansas City, MO 64195-0507

First Financial Bank
225 Pictoria Dr Suite 700
Cincinnati OH 45246-1620

First National Collection Bureau
610 Waltman Way
Sparks, NV 89434

GE Money Bank
c/o Recovery Management Systems Corporat
25 SE 2nd Ave Suite 1120
Miami FL 33131-1605

JPMorgan Chase Bank, NA
201 N Central Ave 11th Fl
Phoenix, AZ 85004-1071

Accelerated Creditors Services, Inc
10079 Springfield Pike
PO Box 40304
Cincinnati, OH 45240-0304

Americas Servicing Co
Attention: Bankruptcy
P.O. Box 10328
Des Moines, IA 50306-0328

(p)CAPITAL ONE
PO BOX 30285
SALT LAKE CITY UT 84130-0285

Chase Auto
Attn: Bankruptcy Research Dept
3415 Vision Dr
Columbus, OH 43219-6009

Citibank Usa
Citicorp Credit Services/Attn: Centraliz
Po Box 20507
Kansas City, MO 64195-0507

Ffcc-columbus Inc
1550 Old Henderson Rd St
Columbus, OH 43220-3626

First Financial Bank
3rd & High Sts
Hamilton, OH 45011

(p)FOCUS RECEIVABLES MANAGEMENT LLC
1130 NORTHCHASE PARKWAY STE 150
MARIETTA GA 30067-6429

Gemb/JC Penny
Attention: Bankruptcy
Po Box 103104
Roswell, GA 30076-9104

Hillcrest Hospital
P.O. Box 74397
Cleveland, OH 44194-0497

Hsbc Bank
Attn: Bankruptcy
Po Box 5213
Carol Stream, IL 60197-5213

NCO Financial Systems
P O Box 15889
Wilmington, DE 19850-5889

PYOD LLC its successors and assigns as assignee
Citibank, NA
c/o Resurgent Capital Services
PO Box 19008
Greenville, SC 29602-9008

Pentagroup Financial
5959 Corporate Dr Ste 14
Houston, TX 77036-2302

(p)PORTFOLIO RECOVERY ASSOCIATES LLC
PO BOX 41067
NORFOLK VA 23541-1067

Richard Skurow MD
P.O. Box 8917
Belfast, ME 04915-8917

Senex Services Corp
Attn: Bankruptcy
Po Box 90199
Indianapolis, IN 46290-0199

Shell Oil / Citibank
Attn.: Centralized Bankruptcy
Po Box 20507
Kansas City, MO 64195-0507

Sirius Satellite Radio
c/o EOS CCA
P.O. Box 567
Norwell, MA 02061-0567

Speedway/ssa
539 S Main Room 36
Findlay, OH 45840-3229

State of Ohio
Department of Taxation
101 East Town Street
Columbus, OH 43215-5187

Sunoco/citi
Po Box 6497
Sioux Falls, SD 57117-6497

Tristate Orthopedic Center
10547 Montgomery Rd.
Suite 400
Cincinnati, OH 45242-4418

University Primary 'Care Practices
24701 Euclid Avenue
Euclid, OH 44117-1714

VERIZON WIRELESS
PO BOX 3397
BLOOMINGTON, IL 61702-3397

Vengroff, Williams & Associates, Inc.
PO Box 4155
Sarasota, FL 34230-4155

Verizon
Attn: Bankruptcy
Po Box 3397
Bloomington, IL 61702-3397

Wells Fargo Bank Minnesota, NA, Trustee
c/o Lerner, Ampson & Rothfuss
120 East 4th Street, 8th Floor
Cincinnati, OH 45202-4099

John Paul Rieser
7925 Graceland Street
Dayton, OH 45459-3834

Kenneth L. Cione
1039 Overbrook Dr.
Maineville, OH 45039-9668

Laurie A Cione
1039 Overbrook Dr.
Maineville, OH 45039-9668

Stephen M Meiser
Macey & Aleman
4050 Executive Park Drive, Suite 450
Cincinnati, OH 45241-2094

The preferred mailing address (p) above has been substituted for the following entity/entities as so specified by said entity/entities in a Notice of Address filed pursuant to 11 U.S.C. 342(f) and Fed.R.Bank.P. 2002 (g)(4).

Capital One, N.a.
Bankruptcy Dept
Po Box 5155
Norcross, GA 30091

Focus Receivables
1130 Northchase Parkway
Suite 150
Marietta, GA 30067

Portfolio Recovery Associates
PO Box 12914
Norfolk, VA 23541

(d)Portfolio Recovery Associates, LLC
POB 41067
Norfolk VA 23541

The following recipients may be/have been bypassed for notice due to an undeliverable (u) or duplicate (d) address.

(u)Wells Fargo Bank, NA	(u)First Financial Bancor	(u)Kristen Cione
-------------------------	---------------------------	------------------

End of Label Matrix	
Mailable recipients	52
Bypassed recipients	3
Total	55